

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU Investments, LLC d/b/a Brazos
Licensing and Development,

Plaintiff,

v.

Canon Inc. and Canon U.S.A, Inc.,

Defendants.

Case No. 6:20-cv-00980-ADA

JURY TRIAL DEMANDED

Canon Inc.,

Third-Party Plaintiff,

v.

NXP USA, Inc.

Third-Party Defendant.

**DECLARATION OF WATARU TACHIWA IN SUPPORT OF CANON'S MOTION FOR
SUMMARY JUDGMENT THAT CANON IS LICENSED TO THE ASSERTED PATENT
UNDER THE BLUETOOTH PATENT AND COPYRIGHT LICENSE AGREEMENT**

In accordance with 28 U.S.C. § 1746, I, Wataru Tachiwa, declare as follows:

1. I am currently a Lead Engineer for Canon Inc. (“Canon”). I have held this position for over three years. My responsibilities include the role of a leader of (i) development of Canon Inc.’s Bluetooth protocol stack used for Canon Inc.’s products that support Bluetooth standard; and (ii) obtaining certifications of Canon’s products as the Bluetooth Standard compliant by the Bluetooth Special Interest Group (“Bluetooth SIG”). In the course of my job duties, I have knowledge of Canon Inc.’s membership in the Bluetooth SIG, the use of Bluetooth in the accused EOS R5, EOS R5 C, and EOS R3 cameras, and the Bluetooth compliance certification of the EOS R5, EOS R5 C, and EOS R3 cameras.

2. I make this declaration in support of Defendants’ Canon Inc.’s and Canon U.S.A., Inc.’s (collectively, “Canon’s”) Motion for Summary Judgement That Canon is Licensed to the Asserted Patent under the Bluetooth Patent and Copyright License Agreement. I have knowledge of the facts set forth herein based on my personal knowledge, my review of corporate records maintained by Canon Inc. in the ordinary course of business, and/or my discussions with other Canon Inc. employees.

3. I understand that WSOU Investments, LLC d/b/a Brazos Licensing and Development (“WSOU”) alleges that the EOS R5, EOS R5 C, and EOS R3 cameras infringe U.S. Patent No. 7,054,346 (the “’346 patent”), entitled “Enhanced Frequency Hopping in a Wireless System.” I further understand that WSOU’s infringement allegations are based on the EOS R5, EOS R5 C, and EOS R3 cameras’ compliance with Bluetooth 5.0.

4. Canon Inc. is, and has been, an Associate member of the Bluetooth SIG since at least 2003.

5. I understand that the relevant time for determining whether a license to the '346 patent was granted to Canon is December 2016. Canon Inc. was an Associate member of the Bluetooth SIG before, during, and continually since this time.

6. Attached as Exhibits 1-6 are invoices from Bluetooth SIG for Canon Inc.'s membership dues for December 2015 to November 2021. Attached as Exhibit 7 is a receipt for Canon's payment of its membership dues for December 1, 2016 to November 30, 2017.

7. Through my work for Canon Inc. on Bluetooth, I am aware of the general organization of the Bluetooth SIG. Nokia was one of the founding members of Bluetooth SIG. It has been a member of Bluetooth SIG since its founding and in December 2016, Nokia was a Promoter Member.

8. As a condition of membership in the Bluetooth SIG, all members, including Canon Inc., agree to be bound by the Bluetooth Patent/Copyright License Agreement ("BPCLA"). Attached as Exhibit 8 is the current version of the BPCLA, which was last updated on July 8, 2016. Canon Inc. relies on the terms of the BPCLA to ensure that it can practice Bluetooth without facing infringing claims from other Bluetooth SIG members.

9. The accused EOS R5, EOS R5 C, and EOS R3 cameras meet the Compliance Requirements of the Bluetooth 5.0 specification and have been qualified pursuant to the Bluetooth Qualification Process as End Products. Attached as Exhibit 9 is the Bluetooth Declaration Details from the Bluetooth SIG showing that the EOS R5, EOS R5 C, and EOS R3 cameras meet the Compliance Requirements of the Bluetooth 5.0 specification and have been qualified pursuant to the Bluetooth Qualification Process as end products. *Available at <https://launchstudio.bluetooth.com/ListingDetails/101362>.*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 28th day of March 2022, in Tokyo, Japan.

Wataru Tachiwa
Wataru Tachiwa

Lead Engineer
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Canon Inc.